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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,910	12/19/2001	Shigeo Nakagaki	217656US-3TTC CONT	9815
22850	7590	11/03/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			TRAN, THUY VAN	
			ART UNIT	PAPER NUMBER

3652

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/020,910	Applicant(s) NAKAGAKI ET AL. 	
	Examiner Thuy v. Tran	Art Unit 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/393,688.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-3 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aulanko et al. 5,899,301 in view of Ericson et al. 4,848,519 and further in view of admitted prior art Figure 2.

Aulanko et al. '301 disclose an elevator system comprising a driving unit 1 mounted on a guide rail 6 and configure to move a movable unit 54 up and down by driving a cable 54. Aulanko et al '301 do not disclose how specifically the guide rail is attached to a side wall of the hoistway.

The admitted prior art Figure 2 shown a guide rail is attached to a side wall by a plurality of U-shaped support member 1 and a plurality of plates attached to a respective rail support member of the plurality of rail support members.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized a U-shaped rail support members and a plurality of plates to connect guide rail system of Aulanko to the side wall as shown in the admitted prior Figure 2 as one of the conventional ways for mounting an elevator guide rail.

Ericson et al. '519 disclose an elevator guide rail 125, Fig. 1, installed in an elevator shaft via a plurality of rail support members wherein at least one of the rail support member 265 fixed to a wall of the shaft by a at least two bolts separated from each other by an interval in the vertical direction, and the anchor bolts comprise upper and lower pair, each pair of the anchor bolts are separated by an interval in the horizontal direction.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to secure the guide rail of modified elevator system of Aulanko with at least two pairs of securing members separated with each other by an interval in both vertical and horizontal direction as disclosed by Ericson since it was known in the art that mounting the securing members by an interval in the vertical direction would prevent the support members from bending due to the total vertical load of the driving unit

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and the movable unit, and separating the securing members in the horizontal direction would prevent the support members from twisting due to the lateral movement of the movable unit.

Re the equation for calculating the safety range for the interval of the securing members, it would have been obvious to one having ordinary skill in the art at the time the invention was made to separating the securing members in the vertical direction within a safety range, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

Response to Arguments

Applicant's arguments filed August 2, 2004 have been fully considered but they are not persuasive.

Applicants argue that the Aulanko et al. reference not only does not provide a teaching of the mounting configuration of the guide rail to the wall of the elevator shaft, but it is also unclear whether the Aulanko et al. reference even provides one of ordinary skill in the art with the same problems that are solved by using configuration of the present invention. It has been a common practice in the elevator art to mount guide rails to the elevator shaft to provide sturdy support such as the one disclosed in Figure 2 (admitted Prior Art).

Applicants argue that Figure 2 (admitted prior art) does not depict or contemplate mounting the guide rail by fixing at least one plate to the wall of the elevator shaft by at least two vertically spaced lines of securing members separated from each other by an interval in a vertical direction. Such a configuration is not taught or even needed with the configuration shown in Figure 2, since the configuration in Figure 2 does not teach mounting of a driving unit on the guide rail. It is noted that the Office relied only on the teaching of using U-shaped rail support members and a plurality of plates to connect guide rail system of Aulanko to the side wall as shown in the admitted prior Figure 2 as one of the conventional ways for mounting an elevator guide rail, not mounting a driving unit on the guide rail as shown in Figure 2 (admitted prior art).

Applicants argue that one ordinary skill in the art would not have look to the Ericson et al. reference to solve the problems associated with mounting a guide rail to a wall of an elevator shaft when

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the guide rail has a drive unit fix thereto. Ericson et al. reference may not disclose or suggest mounting a drive unit on the guide rail, but it discloses of an available bracket which one ordinary skill in the art would utilize to prevent the mounting brackets from buckling due to twisting and bending forces.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy v. Tran whose telephone number is 703-308-2558. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on 703-308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TVT (TVT)



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